

1 4. Plaintiff has fully complied with 28 U.S.C. section 2675 of the Federal Tort
2 Claims Act in that she filed a claim with the Transportation Security Administration on
3 April 30, 2009, which claim was deemed presented by the Transportation Security
4 Administration on June 24, 2009. Said claim has not been settled or denied as of this date. A
5 true and correct copy of said notice of claim is attached hereto as Exhibit "1" and incorporated
6 by this reference.

7 5. On March 30, 2009, while going through security checkpoints at Phoenix Sky
8 Harbor Airport in Phoenix, Maricopa County, Arizona, Plaintiff sustained serious, permanent,
9 and disabling injuries when she was knocked down to the ground by an agent, servant, and/or
10 employee of the United States of America and/or the Transportation Security Administration.

11 6. At the aforesaid time and place, the Defendant, by and through its agents,
12 servants and/or employees, had a duty to carefully and prudently assist persons such as
13 Plaintiff herein, who is 81 years old, as she was processed and passing through the security
14 checkpoints at the aforementioned airport.

15 7. At the aforesaid time and place, the Defendant, by and through its agents,
16 servants and/or employees, neglected and/or disregarded said duty and caused Plaintiff to lose
17 her balance, be knocked down, and/or fall as hereinbefore alleged.

18 8. At the aforesaid time and place, the Defendant, as the maintainer of the
19 aforementioned premises, by and through its agents, servants and/or employees, acted with
20 less than reasonable care and was then and there guilty of careless and negligent acts and/or
21 omission which included, but are not limited to, the following:

- 22 a. Improperly operated, managed, maintained and controlled its premises
- 23 in failing to properly maintain the aforementioned security checkpoints;
- 24 b. Failed to make a reasonable inspection of its premises when it knew or
- 25 in the exercise of ordinary care should have known that said inspection
- 26 was necessary to prevent injury to the Plaintiff and others lawfully on or
- 27 around said premises;
- 28 c. Allowed the aforementioned premises to remain in a dangerous

1 condition, making the premises unsafe;

2 d. Improperly designed, constructed, maintained, repaired, or operated the
3 premises in such a manner as to make it unsafe or dangerous for persons
4 on the premises;

5 e. Was otherwise careless and negligent in the operation or maintenance of
6 its premises.

7 9. As a direct and proximate result of the foregoing negligent acts or omissions of
8 the Defendant, Plaintiff sustained severe and permanent injuries, both internally and
9 externally, and was and will be hindered and prevented from attending to her usual duties and
10 affairs of life, and has lost and will in the future lose value of that time as aforementioned.

11 10. As a further direct and proximate result of the aforesaid careless and negligent
12 acts of the Defendant, Plaintiff then and there suffered great pain and anguish; both in mind
13 and body, and will in the future continue to suffer. The Plaintiff further expended and will
14 expend and become liable for large sums of money for medical care and services endeavoring
15 to become healed and cured of said injuries.

16 11. Plaintiff hereby demands a jury trial in this action.

17 WHEREFORE, Plaintiff Shirley Hlavaty prays for judgment against the Defendant in
18 such an amount in excess of this Court's jurisdictional requisite as will fairly and adequately
19 compensate the Plaintiff for her injuries, losses and damages as hereinabove alleged, costs of
20 suit, and any further relief which this Honorable Court finds fair and just.

21 DATED this 29th day of March, 2011.

22 NEUHEISEL LAW FIRM, P.C.

23 By: /s/ Richard G. Neuheisel
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Attorney for Plaintiff

27 ORIGINAL of the foregoing submitted
28 to CM/ECF on this 29th day of March, 2011.